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#23  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF : Sullivan, et al.  
FOR : **IMPROVED MULTI-LAYER GOLF BALL**  
SERIAL NO. : 08-09/926,872  
FILED : September 10, 1997  
GROUP ART UNIT : 3711  
EXAMINER : R. Gorden  
LAST OFFICE ACTION : September 13, 2000  
ATTORNEY DOCKET NO. : SLD 2 0121  
P-4628-D1

Cleveland, Ohio 44114-2518

Date: 12/22/2000

**TRANSMITTAL**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Applicants respectfully submit the attached documents and payment of fees for the consideration of the Examiner:

XX COMMUNICATION TO THE EXAMINER

XX No Fee Required

XX TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION (37 CFR 1.321(b))  
(REVISED PURSUANT TO EXAMINER'S COMMENTS IN  
ADVISORY ACTION DATED OCTOBER 10, 2000)

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XX A check in the amount of \$110.00 has already been submitted for the present Terminal Disclaimer on September 13, 2000. No fee is required for the present Terminal Disclaimer.

XX TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION (37 CFR 1.321(b))

XX Check in the amount of \$110.00



XX Check in the amount of \$130.00, which is the proper fee to file an Information Disclosure Statement under 1.97(d), to ensure the consideration of the documents referenced in the Information Disclosure Statement, which was filed on September 1, 2000.

If the Examiner has any questions regarding the present application, the Examiner is respectfully requested to contact one of the attorneys below.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Richard M. Klein  
Reg. No. 33,000  
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**CERTIFICATE OF MAILING**

I hereby certify that this **COMMUNICATION TO THE EXAMINER** in connection with U.S. Patent Application Serial No. **09/926,872** is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on December 23, 2000.

By:

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Cleveland, Ohio 44114-2518

Date: 12/22/2000

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**COMMUNICATION TO THE EXAMINER**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

The present Communication is a response to two issues discussed by the Examiner in the Advisory Action of October 10, 2000. Particularly, the present Communication responds to (1) the issue of a properly signed Terminal Disclaimer, and (2) the issue of whether the IDS filed on September 1, 2000 should be considered even though the IDS lacked the petition fee set forth in 37 C.F.R. 1.17(i).

Regarding the IDS of September 1, 2000, two references were disclosed: (1) GB 2278609 and (2) GB 2299999. GB 2278609 claims priority from U.S. Application Serial No. 08/070,510, which is the same application from which the present application claims priority. GB 2299999 claims priority from U.S. Patent No. 5,713,802, which was already disclosed in the Information Disclosure Statement dated April 8, 1999 and considered by Examiner Raeann Gorden on March 1, 2000. Since GB 2278609 is the

same as U.S. Application Serial No. 08/070,510, which is the application that the present application claims priority from, and GB 2299999 is the same as U.S. Patent No. 5,713,802, which was already considered by the Examiner, no further consideration of those two references is required. However, to ensure that these documents are noted as being of record in this application, Applicants have included the appropriate fee of \$130.00 in accordance with 37 C.F.R. § 1.97(d).

Regarding the Terminal Disclaimer, Applicants herein respectfully submit two Terminal Disclaimers signed by Diane F. Covello, one of the attorneys of record on the present application.

If the Examiner has any questions regarding the present application, the Examiner is respectfully requested to contact one of the attorneys below.



Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

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By: